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Counsel for Defendant
 R.R. STREET & CO. INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

HICKS THOMAS LLP
 8001 Folsom Boulevard, Suite 100
 Sacramento, California 95826
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KFD ENTERPRISES, INC., a California
 corporation dba Norman's Dry Cleaner,

Plaintiff,

v.

CITY OF EUREKA, et al.,

Defendants,

AND ALL RELATED CROSS-CLAIMS
 AND THIRD-PARTY CLAIMS.

No. 3:08-cv-04571-MMC

**STIPULATION AND ~~PROPOSED~~ ORDER
 WITH RESPECT TO DEFENDANT CITY
 OF EUREKA'S SECOND AMENDED
 COMPLAINT AGAINST DEFENDANT
 R.R. STREET & CO. INC.
 [Civil L.R. 7-12]**

Pursuant to Civil L.R. 7-12, Defendant City of Eureka ("Eureka") and Defendant R.R. Street & Co. Inc. ("Street") hereby stipulate and request judicial action as follows:

WHEREAS, Eureka's Second Amended Complaint (Doc. 140, filed Nov. 9, 2009) is, vis-à-vis Street, substantively identical to Eureka's First Amended Complaint (Doc. 46, filed July 24, 2009); and

WHEREAS, Eureka and Street have previously stipulated—and this Court has previously so ordered pursuant to stipulation (Doc. 101, filed Sept. 8, 2009)—that Paragraph 92 of Eureka's First Amended Complaint (claiming punitive damages) is stricken as to Street on certain terms and conditions;

1 THEREFORE, Eureka and Street stipulate that

2 (1) Street's answer to Eureka's First Amended Complaint (Doc. 99, filed Sept. 4, 2009)
3 shall be deemed responsive to Eureka's Second Amended Complaint; and

4 (2) Paragraph 102 of Eureka's Second Amended Complaint is stricken as to Street on
5 the same terms and conditions as was previously stricken Paragraph 92 of Eureka's First Amended
6 Complaint.

7 Dated: November 23, 2009.

8 Respectfully submitted,

9 /s/ Eric Grant

10 Eric Grant

11 Hicks Thomas LLP

12 Counsel for Defendant

13 R.R. STREET & CO. INC.

14 (The filer hereby attests that concurrence in
15 the filing of this document has been obtained
16 from the signatory below.)

17 DAVIDOVITZ & BENNETT LLP

18 /s/ Charles Bolcom


19 MORIS DAVIDOVITZ

20 CHARLES BOLCOM

21 Attorneys for Defendant, Counter-Complainant,
22 and Third-Party Plaintiff CITY OF EUREKA

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 Dated: November 25, 2009

25 
26 MAXINE M. CHESNEY
27 United States District Judge